

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of the State of Texas, *et al.*,

Defendants.

CIVIL ACTION NO.
3:21-cv-00259-DCG-JES-JVB
[Consolidated Action: Lead Case]

DECLARATION OF KENNETH PARRENO

I, Kenneth Parreno, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a Staff Attorney with the Mexican American Legal Defense and Educational Fund. I am an attorney for the movants, Plaintiffs LULAC, *et al.* (“LULAC Plaintiffs”), in the above-captioned action. I have been assigned to litigate this matter, and I am familiar with the proceedings herein. I make this declaration in connection with LULAC Plaintiffs’ Motion to Reopen Discovery for the Limited Purpose of Seeking Specific Documents from Dave’s Redistricting, LLC, dated October 17, 2022.
2. Exhibit D-1 contains true and correct copies of emails showing the communications between counsel for LULAC Plaintiffs and counsel for the State regarding LULAC Plaintiffs’ requests for shapefiles related to Texas redistricting in the possession of Sean Trende. I was copied on all of these emails and received them in the course of my representation of LULAC Plaintiffs in this matter.

3. Exhibit D-2 contains true and correct copies of emails showing the communications between counsel for LULAC Plaintiffs and counsel for Dave's Redistricting, LLC regarding LULAC Plaintiffs' requests for documents related to Texas redistricting and Sean Trende. I sent or received these emails in the course of my representation of LULAC Plaintiffs in this matter.
4. In the course of my representation of LULAC Plaintiffs in this matter, I was a participant in a telephone conversation with counsel for Dave's Redistricting, LLC on September 28, 2022. During that conversation, counsel for Dave's Redistricting, LLC confirmed that Dave's Redistricting, LLC placed a hold on documents related to Texas redistricting and Sean Trende.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2022
San Antonio, TX

/s/ Kenneth Parreno
Kenneth Parreno
Staff Attorney
Mexican American Legal Defense and Educational Fund (MALDEF)
110 Broadway Street, Suite 300
San Antonio, TX 78205
(210) 224-5476

EXHIBIT D-1

RE: Follow up to Sean Trende deposition

Ari Herbert <Ari.Herbert@oag.texas.gov>

Tue 10/4/2022 4:41 PM

To Nina Perales <nperales@MALDEF.org>;

Cc Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Kenneth Parreno <Kparreno@MALDEF.org>; Julia Longoria <Jlongoria@MALDEF.org>; Fatima Menendez <fmenendez@MALDEF.org>;

Nina,

We are opposed. Thank you.

Sincerely,
Ari

Ari M. Herbert
Special Counsel
Special Litigation Unit
OFFICE OF THE ATTORNEY GENERAL
[REDACTED] (office)
[REDACTED] (mobile)
ari.herbert@oag.texas.gov

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From: Nina Perales <nperales@MALDEF.org>
Sent: Tuesday, October 4, 2022 4:35 PM
To: Ari Herbert <Ari.Herbert@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Kenneth Parreno <Kparreno@MALDEF.org>; Julia Longoria <Jlongoria@MALDEF.org>; Fatima Menendez <fmenendez@MALDEF.org>
Subject: Follow up to Sean Trende deposition

Ari,

Thanks very much for your response and we understand your position. Please advise whether State Defendants will oppose a motion by LULAC Plaintiffs to re-open discovery for the limited purpose of subpoenaing records from Dave's Redistricting related to Mr. Trende. Specifically we will seek:

All redistricting maps or draft redistricting maps drawn, uploaded, or viewed by Mr. Trende (and all information and data related to analysis of any map) of any of the following statewide bodies: Texas House, Texas Senate, SBOE and Texas congressional delegation;

All data relating to any user or other individual who viewed any map or draft map drawn or uploaded by Mr. Trende (limited to the four statewide bodies referenced above);

All records, including metadata, related to the use of Dave's Redistricting App by Mr. Trende (limited to the four statewide bodies referenced above); and

Any other document, data, or information associated with or concerning Sean P. Trende (limited to the four statewide bodies referenced above).

Thanks very much,

Nina Perales
Vice President of Litigation
Mexican American Legal Defense
and Educational Fund, Inc. (MALDEF)
110 Broadway, Suite 300
San Antonio, TX 78205

FAX (210) 224-5382



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From: Ari Herbert <Ari.Herbert@oag.texas.gov>
Sent: Monday, October 03, 2022 2:12 PM
To: Nina Perales <nperales@MALDEF.org>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Kenneth Parreno <Kparreno@MALDEF.org>; Julia Longoria <Jlongoria@MALDEF.org>; Fatima Menendez <fmenendez@MALDEF.org>
Subject: RE: Follow up to Sean Trende deposition

Nina,

From what we understand, there may have been some sort of miscommunication between you and Dave's. It is our understanding that the five maps you indicate were created on or after July 1, 2022, do not exist.

We are happy to discuss further.

Thank you.

Sincerely,
Ari

Ari M. Herbert
Special Counsel
Special Litigation Unit
OFFICE OF THE ATTORNEY GENERAL
[REDACTED] (office)
[REDACTED] (mobile)
ari.herbert@oag.texas.gov

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From: Nina Perales <nperales@MALDEF.org>
Sent: Friday, September 30, 2022 3:10 PM
To: Ari Herbert <Ari.Herbert@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Kenneth Parreno <Kparreno@MALDEF.org>; Julia Longoria <Jlongoria@MALDEF.org>; Fatima Menendez <fmenendez@MALDEF.org>
Subject: RE: Follow up to Sean Trende deposition

Good afternoon Ari,

I write to follow up on the exchange below. We've spoken to counsel for Dave's Redistricting, LLC, which confirmed that Dave's has in its possession five maps related to Texas redistricting connected to Mr. Trende's account(s); all of these maps were created on or after July 1, 2022. Please provide a description of these maps and indicate whether you will produce these files, if they have not already been produced.

Thank you, and have a good weekend,

Nina Perales
Vice President of Litigation
Mexican American Legal Defense
and Educational Fund, Inc. (MALDEF)
110 Broadway, Suite 300
San Antonio, TX 78205

[REDACTED]
FAX (210) 224-5382



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From: Ari Herbert <Ari.Herbert@oag.texas.gov>
Sent: Wednesday, September 21, 2022 4:59 PM
To: Nina Perales <nperales@MALDEF.org>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Kenneth Parreno <Kparreno@MALDEF.org>; Julia Longoria <Jlongoria@MALDEF.org>; Fatima Menendez <fmenendez@MALDEF.org>
Subject: RE: Follow up to Sean Trende deposition

Nina,

Thanks for the clarification. If it's helpful, it is our understanding that the maps are not saved in Mr. Trende's Dave's Redistricting App folder.

Sincerely,

Ari M. Herbert
Special Counsel
Special Litigation Unit
OFFICE OF THE ATTORNEY GENERAL
[REDACTED] (office)
[REDACTED] (mobile)
ari.herbert@oag.texas.gov

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From: Nina Perales <nperales@MALDEF.org>
Sent: Wednesday, September 21, 2022 4:51 PM
To: Ari Herbert <Ari.Herbert@oag.texas.gov>
Cc: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Kenneth Parreno <Kparreno@MALDEF.org>; Julia Longoria <Jlongoria@MALDEF.org>; Fatima Menendez <fmenendez@MALDEF.org>
Subject: Re: Follow up to Sean Trende deposition

Hi Ari,

Understanding that Mr. Trende doesn't have the maps, we will ask the court for leave to reopen discovery for the purpose of subpoenaing the maps from Dave's Redistricting App.

Nina Perales
Vice President of Litigation
Mexican American Legal Defense
and Educational Fund, Inc. (MALDEF)
110 Broadway Suite 300
San Antonio TX 78201
[REDACTED]

On Sep 20, 2022, at 1:59 PM, Ari Herbert <Ari.Herbert@oag.texas.gov> wrote:

Nina,

We oppose. But in case we can spare everyone a little bit of effort, would you mind explaining why you intend to move to reopen discovery on this even though Mr. Trende does not have the maps? Thank you.

Sincerely,

Ari M. Herbert
Special Counsel
Special Litigation Unit
OFFICE OF THE ATTORNEY GENERAL
[REDACTED] (office)
[REDACTED] (mobile)
ari.herbert@oag.texas.gov

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From: Nina Perales <nperales@MALDEF.org>
Sent: Tuesday, September 20, 2022 12:30 PM
To: Ari Herbert <Ari.Herbert@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>
Cc: Kenneth Parreno <Kparreno@MALDEF.org>; Julia Longoria <Jlongoria@MALDEF.org>; Fatima Menendez <fmenendez@MALDEF.org>
Subject: Re: Follow up to Sean Trende deposition

Thank you Ari. As requested below, please indicate whether Defendants oppose a motion to reopen discovery for the limited purpose of serving a subpoena to secure the maps.

Nina Perales
Vice President of Litigation
Mexican American Legal Defense
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110 Broadway Suite 300
San Antonio, TX 78205
ph. (210) 224-5476
fax (210) 224-5382
www.maldef.org

From: Ari Herbert <Ari.Herbert@oag.texas.gov>
Sent: Tuesday, September 20, 2022 12:27 PM
To: Nina Perales; Patrick Sweeten; Will Thompson; Ryan Kercher
Cc: Kenneth Parreno; Julia Longoria; Fatima Menendez
Subject: RE: Follow up to Sean Trende deposition

Nina,

Thank you for following up.

As a general matter, we disagree with your characterization of the Trende maps in question. These maps were not drawn as part of his expert services in this case; they would have been created before his retention in this case, and they do not constitute part of the underlying facts and data that he relied on to form his conclusions in this case and are not discoverable. *See* FRCP 26. We believe that his testimony on that point was clear.

Even so, to avoid a dispute, we took the additional step of conferring with Mr. Trende to determine if he still has the maps in his possession. We learned he does not.

Please let us know if you'd like to confer on this issue any further.

Sincerely,
Ari

Ari M. Herbert
Special Counsel
Special Litigation Unit
OFFICE OF THE ATTORNEY GENERAL
[REDACTED] (office)
[REDACTED] (mobile)
ari.herbert@oag.texas.gov

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From: Nina Perales <nperales@MALDEF.org>
Sent: Tuesday, September 20, 2022 10:55 AM
To: Ari Herbert <Ari.Herbert@oag.texas.gov>; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>
Cc: Kenneth Parreno <Kparreno@MALDEF.org>; Julia Longoria <Jlongoria@MALDEF.org>; Fatima Menendez <fmenendez@MALDEF.org>
Subject: Re: Follow up to Sean Trende deposition

Good morning Ari,

Can you provide an update on whether State Defendants will agree to produce the requested shapefiles or, if Defendants do not agree to produce the shapefiles, whether Defendants oppose a motion to reopen discovery for the limited purpose of serving a subpoena to secure the maps.

Thank you,

Nina Perales
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www.maldef.org

From: Ari Herbert <Ari.Herbert@oag.texas.gov>
Sent: Tuesday, September 13, 2022 5:15 PM
To: Nina Perales; Patrick Sweeten; Will Thompson; Ryan Kercher
Cc: Kenneth Parreno; Julia Longoria; Fatima Menendez
Subject: RE: Follow up to Sean Trende deposition

Nina,

Thanks for your email. We're looking into this, and we will get back to you as soon as possible.

Best,

Ari M. Herbert
Special Counsel
Special Litigation Unit
OFFICE OF THE ATTORNEY GENERAL
[REDACTED] (office)
[REDACTED] (mobile)
ari.herbert@oag.texas.gov

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From: Nina Perales <nperales@MALDEF.org>
Sent: Monday, September 12, 2022 6:33 PM
To: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>
Cc: Kenneth Parreno <Kparreno@MALDEF.org>; Julia Longoria <Jlongoria@MALDEF.org>; Fatima Menendez <fmenendez@MALDEF.org>
Subject: RE: Follow up to Sean Trende deposition

Good afternoon counsel,

I write to follow up on the email I sent Friday (see below) seeking to know if Defendants will agree to produce the requested shapefiles or, if Defendants do not agree to produce the shapefiles, whether Defendants oppose a motion to reopen discovery for the limited purpose of serving a subpoena to secure the maps.

Thank you,

Nina Perales
Vice President of Litigation
Mexican American Legal Defense
and Educational Fund, Inc. (MALDEF)
110 Broadway, Suite 300
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[REDACTED]
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From: Nina Perales
Sent: Friday, September 09, 2022 12:47 PM
To: Sweeten, Patrick <Patrick.Sweeten@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Ari Herbert <Ari.Herbert@oag.texas.gov>
Cc: Kenneth Parreno <Kparreno@MALDEF.org>; Julia Longoria <Jlongoria@MALDEF.org>; Fatima Menendez <fmenendez@MALDEF.org>
Subject: Follow up to Sean Trende deposition

Good afternoon Patrick,

In light of Sean Trende's testimony during his deposition last week that he drew two minority Texas congressional districts in 2021, I write to request that Defendants produce the shapefiles for those maps under FRCP 26 (a)(2) and (e)(2). LULAC Plaintiffs believe that the

maps form part of the facts or data considered by the Mr. Trende in forming his opinions regarding the compactness of minority communities in Texas as well as the opinion that the maps he analyzed are consistent with partisan motivations.

If Defendants do not agree to produce the shapefiles of the maps, please advise whether Defendants oppose a motion to reopen discovery for the limited purpose of serving a subpoena to secure the maps.

Thank you,

Nina Perales
Vice President of Litigation
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EXHIBIT D-2

RE: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Kortz, Mason <mkortz@law.harvard.edu>

Mon 10/3/2022 12:42 PM

To Kenneth Parreno <Kparreno@MALDEF.org>;

Cc Nina Perales <nperales@MALDEF.org>; Carmen Leija <cleija@MALDEF.org>;

Hi Kenneth –

I can't provide that information. I can only say that we've preserved all documents subject to the litigation hold and are awaiting your subpoena.

--Mason

From: Kenneth Parreno <Kparreno@MALDEF.org>

Sent: Monday, October 3, 2022 1:22 PM

To: Kortz, Mason <mkortz@law.harvard.edu>

Cc: Nina Perales <nperales@MALDEF.org>; Carmen Leija <cleija@MALDEF.org>

Subject: Re: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Hi Mason,

Thanks for that update. Can you confirm how many shapefiles or other documents related to Texas redistricting are in the possession, custody, or control of Dave's Redistricting, LLC (of the documents or information subject of our litigation hold letter), and indicate when those documents or information were created?

Thanks,

Kenneth

From: Kortz, Mason <mkortz@law.harvard.edu>

Sent: Monday, October 3, 2022 12:18 PM

To: Kenneth Parreno

Cc: Nina Perales; Carmen Leija

Subject: RE: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Hi Kenneth –

My client informed me that the earlier statement that there are five Texas maps connected to Mr. Trende's account created after July 1, 2022, was based on misreading of the data and is incorrect. Please do not rely on that information in drafting your subpoena. Thanks,

--Mason

From: Kenneth Parreno <Kparreno@MALDEF.org>
Sent: Friday, September 30, 2022 12:47 PM
To: Kortz, Mason <mkortz@law.harvard.edu>
Cc: Nina Perales <nperales@MALDEF.org>; Carmen Leija <cleija@MALDEF.org>
Subject: Re: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Hi Mason,

Thanks for the follow up. Please ensure that your client continues to maintain the copies referenced in your email as well as any other information or documents held in response to our September 13, 2022 litigation hold letter as we prepare our document subpoena.

Thank you,

Kenneth

From: Kortz, Mason <mkortz@law.harvard.edu>
Sent: Thursday, September 29, 2022 4:09 PM
To: Kenneth Parreno
Cc: Nina Perales; Carmen Leija
Subject: RE: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Hi Kenneth –

I just heard from my client. When they first received the litigation hold, they searched for maps related to Texas (for any type of district) connected to Mr. Trende's account(s). They found 5 maps, all of which were created on or after July 1, 2022. They didn't find anything older than that. The maps are still live, and Mr. Trende could modify or delete the live versions, but the copies would be as they were around the date the litigation hold was received.

As far as records of deleted documents, it gets a bit complicated. For example, a user can delete a map they created, at which point it is removed from the system. However, if the map was shared with another user, the shared version may persist. If the specific question is whether there are older maps connected to Mr. Trende's account, my understanding is that such information is no longer accessible, or it would have been pulled in the initial hold DRA implemented.

I hope that helps – let me know how you would like to proceed. Thanks,

--Mason

From: Kenneth Parreno <Kparreno@MALDEF.org>
Sent: Wednesday, September 28, 2022 4:48 PM
To: Kortz, Mason <mkortz@law.harvard.edu>
Cc: Nina Perales <nperales@MALDEF.org>; Carmen Leija <cleija@MALDEF.org>
Subject: Re: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Hi Mason,

Thanks again for making the time earlier today to talk over the phone. I'm writing to follow up on your representation that a hold has been placed on the responsive information. Specifically, I wanted to follow up

with two questions:

1. Have the responsive materials been copied in some way, or could a user at this point still go in and modify or delete any of the responsive materials?

2. Does Dave's Redistricting log or keep a record of documents deleted by a user?

Thank you,

Kenneth

From: Kortz, Mason <mkortz@law.harvard.edu>
Sent: Tuesday, September 27, 2022 2:51 PM
To: Kenneth Parreno
Cc: Nina Perales; Carmen Leija
Subject: RE: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Actually – could you make it 3:35pm? I'll be finish up a class at 3:30pm and want to make sure I can get back to my office. You can reach me at [REDACTED]. Thank you,

--Mason

From: Kenneth Parreno <Kparreno@MALDEF.org>
Sent: Tuesday, September 27, 2022 2:44 PM
To: Kortz, Mason <mkortz@law.harvard.edu>
Cc: Nina Perales <nperales@MALDEF.org>; Carmen Leija <cleija@MALDEF.org>
Subject: Re: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Hi Mason,

Could I give you a call at 3:30pm ET tomorrow (Wednesday, September 28, 2022). If so, what would be the best number to reach you at? I'll be calling from [REDACTED].

Thanks,

Kenneth

From: Kortz, Mason <mkortz@law.harvard.edu>
Sent: Tuesday, September 27, 2022 9:39 AM
To: Kenneth Parreno
Cc: Nina Perales; Carmen Leija
Subject: RE: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Hi Kenneth –

Thank you for the clarification. I can confirm that Dave's Redistricting does have files related to Mr. Trende. In terms of the litigation hold and response to the anticipated subpoena, Dave Redistricting has attempted to identify any accounts that are likely to be associated with Mr. Trende and placed a hold on that information. If you would like to discuss further, I am available Wednesday 9/28 from 10:00am to 12:00pm Eastern and again after 3:30pm Eastern. Let me know if there's a time that works for you. Thank you,

--Mason

From: Kenneth Parreno <Kparreno@MALDEF.org>

Sent: Monday, September 26, 2022 8:28 PM

To: Kortz, Mason <mkortz@law.harvard.edu>

Cc: Nina Perales <nperales@MALDEF.org>; Carmen Leija <cleija@MALDEF.org>

Subject: Re: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Hi Mason,

Thanks for your response. Yes, my September 22 email asks whether the requested shapefiles are part of the set of documents that Dave's Redistricting has identified as related to Mr. Trende's account, regardless of whether that set of documents is associated with the three possible email addresses identified that may be associated with Mr. Trende's account (listed on Page 2 of our litigation hold letter).

I also want to reiterate the scope of our litigation hold letter. That letter seeks the preservation of information related to Sean Trende that is in the possession, custody, or control of Dave's Redistricting, LLC. The three email addresses identified on Page 2 of that letter--trende.3@osu.edu, trende.3@buckeyemail.osu.edu, and strende@realclearpolitics.com are examples of email addresses that may be associated with Mr. Trende's account(s), but they are not the only possible email addresses he may have used, as indicated by Page 2 of our letter:

*"Sean P. Trende" or "Sean Trende" or "Mr. Trende" is the Senior Elections Analyst for RealClearPolitics, is a nonresident fellow at the American Enterprise Institute, and is enrolled as a doctoral candidate in political science at Ohio State University. He is **associated with at least** the following email addresses: trende.3@osu.edu, trende.3@buckeyemail.osu.edu, and strende@realclearpolitics.com.*

Consistent with the scope of the litigation hold letter, please ensure that any information related to Sean Trende's account (regardless of whether that account is associated with the email addresses listed in the letter) regarding the topics specified in our letter are preserved.

Finally, do you have some time tomorrow (Sept. 27) or Wednesday (Sept. 28) for a brief phone call regarding the documents Dave's Redistricting, LLC may have related to this request?

Thanks,

Kenneth

From: Kortz, Mason <mkortz@law.harvard.edu>
Sent: Monday, September 26, 2022 3:04 PM
To: Kenneth Parreno
Cc: Nina Perales; Carmen Leija
Subject: RE: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Hi Kenneth –

Thanks for your email. While my clients look into your questions, I wanted to ask for clarification. The litigation hold letter specifically requested preservation of information related to Sean Trende and the email addresses trende.3@osu.edu, trende.3@buckeyemail.osu.edu, and strende@realclearpolitics.com. I read your request below as asking whether the requested shapefiles are part of the set of documents that Dave's Redistricting has identified as related to Mr. Trende's account. If I'm interpreting that incorrectly, please let me know. Thank you,

Mason Kortz

Clinical Instructor
Harvard Law School Cyberlaw Clinic
Berkman Klein Center for Internet & Society
Phone: [REDACTED]
Pronouns: he/him or they/them

From: Kenneth Parreno <Kparreno@MALDEF.org>
Sent: Thursday, September 22, 2022 1:10 PM
To: Kortz, Mason <mkortz@law.harvard.edu>
Cc: Nina Perales <nperales@MALDEF.org>; Carmen Leija <cleija@MALDEF.org>
Subject: Re: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Hi Mason,

I hope you're having a great week so far. Before LULAC Plaintiffs serve a document subpoena on Dave's Redistricting, LLC, we wanted to inquire whether Dave's has possession of any documents that we would seek with that subpoena. I've re attached the litigation hold letter we sent last week; items 1 through 7 on pages 3 and 4 indicate the documents that would be subject of our client's document subpoena.

More specifically, we would like to know: of the documents specified in items 1 through 7 of the litigation hold letter, is Dave's Redistricting, LLC in possession, custody, or control of (1) any shapefile of any map of Texas congressional districts (created on or after January 1, 2019); (2) any shapefile of any map of Texas congressional districts showing the creation of two additional minority opportunity districts for the 2020 redistricting cycle (created on or after January 1, 2019); or (3) any other file related to a map of Texas congressional districts (created on or after January 1, 2019)? Please advise if Dave's Redistricting, LLC is in possession, custody, or control of any such document(s).

Thank you,

Kenneth

From: Kenneth Parreno
Sent: Tuesday, September 13, 2022 5:31 PM
To: Kortz, Mason
Cc: Nina Perales; Carmen Leija
Subject: Re: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Hi Mason,

Thank you for confirming that Dave's Redistricting, LLC consents to service by email addressed to you. Please see the attached litigation hold letter for Dave's Redistricting, LLC.

A physical copy will be mailed to the addresses in the attached document.

Thank you,

Kenneth

From: Kortz, Mason <mkortz@law.harvard.edu>
Sent: Thursday, September 8, 2022 12:35 PM
To: Kenneth Parreno
Cc: Nina Perales
Subject: RE: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Hi Kenneth –

Yes, Dave's Redistricting, LLC consents to service by email addressed to me. Thank you,

Mason Kortz

Clinical Instructor
Harvard Law School Cyberlaw Clinic
Berkman Klein Center for Internet & Society
Phone: [REDACTED]
Pronouns: he/him or they/them

From: Kenneth Parreno <Kparreno@MALDEF.org>
Sent: Wednesday, September 7, 2022 12:41 PM
To: Kortz, Mason <mkortz@law.harvard.edu>
Cc: Nina Perales <nperales@MALDEF.org>
Subject: LULAC v. Abbott, 3:21-cv-259 (W.D. Tex.): Service of Document Subpoena for Dave's Redistricting, LLC

Good afternoon,

I represent the LULAC Plaintiffs in *LULAC v. Abbott*, 3:21-cv-259 (W.D. Tex.). It is my understanding that you are counsel for Dave's Redistricting, LLC, whom the United States served on July 14, 2022 with a document subpoena in connection with this suit.

LULAC Plaintiffs intend to serve a document subpoena to Dave's Redistricting, LLC as well. I am writing to inquire whether, in lieu of personal service of that subpoena, you would accept service on behalf of your client.

Thank you,

Kenneth

Kenneth Parreno
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kparreno@maldef.org

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